

NATIONAL RECOVERY ADMINISTRATION

**AMENDMENT TO
CODE OF FAIR COMPETITION
FOR THE
BEVERAGE DISPENSING
EQUIPMENT INDUSTRY**

AS APPROVED ON MAY 11, 1935



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AMENDMENT TO CODE OF FAIR COMPETITION
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BEVERAGE DISPENSING EQUIPMENT INDUSTRY

As Approved on May 11, 1935

ORDER

**APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE
BEVERAGE DISPENSING EQUIPMENT INDUSTRY**

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of an amendment to a Code of Fair Competition for the Beverage Dispensing Equipment Industry, and a public hearing having been held thereon, and the annexed report on said amendment, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, dated September 27, 1934, and otherwise; does hereby incorporate by reference, said annexed report and does find that said amendment and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act; and does hereby order that said amendment be and it is hereby approved and that the previous approval of said Code is hereby amended to include an approval of said Code in its entirety as amended.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer*.

Approval recommended:

JOHN W. UPP,
Acting Division Administrator.

WASHINGTON, D. C.,
May 11, 1935.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: This is a report on an amendment to Article VIII of the Code of Fair Competition for the Beverage Dispensing Equipment Industry, submitted by the Code Authority in accordance with Article IX of the Code as approved on March 16, 1934, and now approved by the National Industrial Recovery Board.

This amendment is intended by the Code Authority to put an end to unfair competitive conditions in the Industry which recently have developed. It is designed to prevent the copying of, and the making of bids and estimates from, the plans, specifications, and/or elevations or drawings, of Industry members without their consent, and to correct an emergency situation, brought about by the announced intention of the largest member of the Industry to itself absorb all financing charges rather than pass them along to customers buying on installment terms, by requiring the addition of a minimum financing charge to cash prices whenever installment payments are allowed.

This amendment was submitted by the Code Authority on March 16, 1934, and, a Public Hearing on it and other proposals having been held on July 21, 1934, has now been revised in accordance with suggestions made by the various advisory boards and divisions at a post-hearing conference, April 2, 1935.

FINDINGS

The Acting Assistant Deputy Administrator in his final report to the National Industrial Recovery Board on said amendment to said Code found as herein set forth, and on the basis of all the proceedings in this matter, we find that:

(a) The trade practices described above do exist in the Industry and have resulted in an unfair competitive situation demanding relief.

(b) The amendment as approved is well designed to relieve this situation.

(c) The amendment to said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of co-operative action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing

the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(d) The Code as amended complies in all respects with the pertinent provision of said title of said act, including without limitation subsection (a) of section 3, subsection (a) of section 7 and subsection (b) of section 10 thereof.

(e) The Code empowers the Code Authority to present the aforesaid amendment on behalf of the Industry as a whole.

(f) The amendment and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(g) The amendment and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(h) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said amendment.

For these reasons, therefore, this amendment has been approved.
For the National Industrial Recovery Board:

W. A. HARRIMAN,
Administrative Officer.

MAY 11, 1935.

AMENDMENT TO CODE OF FAIR COMPETITION FOR THE BEVERAGE DISPENSING EQUIPMENT INDUSTRY

Amend Article VIII by adding the following sections:

SECTION 7. *Financing Charge*: If installment payment terms are granted on sales, members shall add to their cash prices, for each month specified in sales contract as constituting the period over which installment payments shall be made, an amount equal to not less than one-half ($\frac{1}{2}$) of one (1) per cent of the unpaid balance remaining after cash payment has been deducted from sales price. This charge shall be construed as covering financing charge and interest to maturity of notes or other evidence of indebtedness.

Any contract for the sale or transfer of any product of the industry which does not provide for payment in full within ninety (90) days after the date of shipment of such product sold is an installment transaction, and shall be subject to all rules or provisions governing installment sales contained in this Code.

SECTION 8.—*Using Competitor's Plans*: No member of the industry shall knowingly make bids or estimates to a prospective customer, for a specific project, from plans, specifications and/or elevations or drawings belonging to another member without first obtaining the consent of such member.

Approved Code No. 334—Amendment No. 4.
Registry No. 1331-02.

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